

NO. 24464

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent/Plaintiff-Appellee

vs.

BENNY K. BENZON, Petitioner/Defendant-Appellant

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NOS. 87-0222 & 8-0223)

ORDER DENYING APPLICATION FOR WRIT OF CERTIORARI
(By: Levinson, J., for the court¹)

Assuming arguendo that the Application for a Writ of Certiorari filed on March 25, 2003 by Petitioner/Defendant-Appellant Benny K. Benzon was timely filed,² upon consideration, the same is denied.

DATED: Honolulu, Hawai'i, April 4, 2003.

FOR THE COURT:

Associate Justice

Benny K. Benzon, petitioner/
defendant-appellant, pro se,
on the writ.

¹ Considered by: Moon, C.J., Levinson, and Nakayama, JJ., and Circuit Court Judge Waldorf in place of Acoba, J., unavailable, and Circuit Court Judge Cardoza, assigned by reason of vacancy.

² Pursuant to HRS § 602-59(c) (1993 & Supp. 2002), an application for writ of certiorari must be filed within "thirty days after the filing of the decision" by the Intermediate Court of Appeals. Although the writ of certiorari was postmarked prior to the thirty-day deadline, it was not filed until March 25, 2003, thirty-two days after the decision by the Intermediate Court of Appeals. Inasmuch as we deny this writ for certiorari on other grounds, we need not address the issue of the application's timeliness.